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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF ARIZONA**

5 IN RE BARD IVC FILTERS
6 PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

7 **SHORT FORM COMPLAINT**
FOR DAMAGES FOR INDIVIDUAL
CLAIMS

8 Plaintiff(s) named below, for their Complaint against Defendants named below,
9 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

10 Plaintiff(s) further show the Court as follows:

11 1. Plaintiff/Deceased Party:

12 Charles Cates

13 2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
14 consortium claim:

15 NA

16 3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
17 conservator):

18 NA

19 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
20 the time of implant:

21 Missouri

22

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Arkansas

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Oklahoma

7. District Court and Division in which venue would be proper absent direct filing:

Northern District of Oklahoma, Tulsa Division

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

1 € G2[®] Express (G2[®]X) Vena Cava Filter

2 € Eclipse[®] Vena Cava Filter

3 € Meridian[®] Vena Cava Filter

4 ~~€~~ Denali[®] Vena Cava Filter

5 € Other: _____

6 11. Date of Implantation as to each product:

7 12/01/2010
 8 _____

9 12. Counts in the Master Complaint brought by Plaintiff(s):

10 ~~☒~~ Count I: Strict Products Liability – Manufacturing Defect

11 ~~☒~~ Count II: Strict Products Liability – Information Defect (Failure to
 12 Warn)

13 ~~☒~~ Count III: Strict Products Liability – Design Defect

14 ~~☒~~ Count IV: Negligence - Design

15 ~~☒~~ Count V: Negligence - Manufacture

16 ~~☒~~ Count VI: Negligence – Failure to Recall/Retrofit

17 ~~☒~~ Count VII: Negligence – Failure to Warn

18 ~~☒~~ Count VIII: Negligent Misrepresentation

19 ~~☒~~ Count IX: Negligence *Per Se*

20 ~~☒~~ Count X: Breach of Express Warranty

21 ~~☒~~ Count XI: Breach of Implied Warranty

22 ~~☒~~ Count XII: Fraudulent Misrepresentation
 number 16, 2010

1 ☒ Count XIII: Fraudulent Concealment

2 ☒ Count XIV: Violations of Applicable (Insert State)

3 Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
4 Practices

5 ☐ Count XV: Loss of Consortium

6 ☐ Count XVI: Wrongful Death

7 ☐ Count XVII: Survival

8 ☒ Punitive Damages

9 ☐ Other(s): _____ (please state the facts supporting
10 this Count in the space immediately below)

11 _____
12 _____
13 _____
14 _____
15 _____

16 RESPECTFULLY SUBMITTED this 14 th day of February, 2019.

17 MCSWEENEY/LANGEVIN LLC

18 By: /s/ David M. Langevin

19 David M. Langevin
20 Rhett A. McSweeney
21 2116 2nd Avenue South
22 Minneapolis, MN 55404
 Attorneys for Plaintiff(s)